

April 5, 1973

(Start Belt #12)

Any further discussion? Are you ready for the question?
Senator Nore.

SENATOR NORE: Mr. Chairman, I'd like to ask Senator Luedtke a question, or two or three questions if he would yield.

SENATOR LUEDTKE: I'd yield.

SENATOR NORE: Now several years ago I read an article in Harper's Magazine and I'm wondering if this bill has anything to do with it, whereby we have elderly people being declared incompetent and where the heirs take over his, his world belongings and--

SENATOR LUEDTKE: No this has nothing to do with that--

SENATOR NORE: --nothing to do with that--

SENATOR LUEDTKE: Nothing whatsoever. We had some bills last session if you require--if you recall, required that there be certain procedural niceties be followed before you could file those cases where we had wives and husbands filing mental health complaints, that's what you're talking about. This has nothing to do with--this is a defense in a case where one is charged with a crime and uses insanity as a defense.

SENATOR NORE: Yes, thank you.

SPEAKER: Any further discussion? Question is, shall the bill be advanced. Are you ready for the question? Senator Kelly. All those in favor of advancing the bill vote aye. Those opposed vote no. Have you all voted? This requires 25 votes. Clerk will record.

CLERK: 26 ayes, no nays, 23 not voting, Mr. President.

SPEAKER: The bill is advanced.

CLERK: Legislative Bill 504. Introduced by the Judiciary Committee, signed by the members thereof (read). There are no committee amendments or other amendments.

PRESIDENT: Chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I move that LB 504 be advanced to E&R initial. Mr. President and Members of the Legislature. LB 504 is another one of the serious bills that I mentioned which has been sponsored and promoted by the Judicial Council. This is one to bring our court procedures into the century in which we live, to use the mechanical and electronic means which we use every day in our homes; namely, the video tape, television type way of getting depositions taken. This would allow the use of audio visual or a video tape re--instant replay type apparatus to be used in taking of depositions. The deposition, of course, is the taking of testimony which, unless you do it this way, it is taken down in writing and then laboriously read back by the attorney in the court room and the advantage of this system is that if you have a doctor, let's say, in California who cannot make the trip to Nebraska at the time of the trial in the civil case or criminal case, whatever it might be, being tried, you can go back there to California to take his deposition on instant pla--video tape replay. It can be brought back and shown to the court, to the jury, just as it was taken and thereby you do not have to just listen to a bunch of laborious reading in the court room. I might add that many of the hospital and modern